

DOCKET NO. 8229-018-27 CIP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: JIM HUNTER, ET AL.

SERIAL NO.: NEW CIP APPLICATION

FILING DATE: HEREWITH

FOR: HIGH CONTRAST GRATING LIGHT VALVE

**LIST OF INVENTORS' NAMES AND ADDRESSES**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Listed below are the names and addresses of the inventors for the above-identified patent application.

1. Jim HUNTER  
385 Moffett Park Drive, Suite 115  
Sunnyvale, CA 94089-1208
  
2. Chris GUDEMAN  
385 Moffett Park Drive, Suite 115  
Sunnyvale, CA 94089-1208
  
3. David T. AMM  
178 Greenless Drive  
Kingston, Ontario, K7K 6P5, CANADA

A declaration containing all the necessary information will be submitted at a later date.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

  
Steven B. Kelber  
Registration No. 30,073  
Attorney of Record

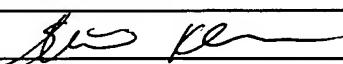
1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

01/22/02

10/05/994  
01/22/02

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>for new nonprovisional applications under 37 CFR 1.53(b)</small>		Attorney Docket No.	8229-018-27 CIP
		First Inventor or Application Identifier	JIM HUNTER, ET AL.
		Title	HIGH CONTRAST GRATING LIGHT VALVE

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents</small>		ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Specification Total Pages <b>17</b></p> <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets <b>5</b></p> <p>4. <input type="checkbox"/> Oath or Declaration Total Pages <b>      </b></p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. §1.63(d)) (for continuation/divisional with box 16 completed)</p> <p>5. <input type="checkbox"/> Incorporation By Reference (usable if box 4B is checked) The entire disclosure of the prior application, from which a copy or the oath or declaration is supplied under Box 4B, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p>		<b>ACCOMPANYING DOCUMENTS</b> <p>6. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>7. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>8. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>9. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>10. <input type="checkbox"/> Preliminary Amendment</p> <p>11. <input checked="" type="checkbox"/> White Advance Serial No. Postcard</p> <p>12. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>13. <input type="checkbox"/> Request for Priority</p> <p>14. <input checked="" type="checkbox"/> List of Inventors' Names and Addresses</p> <p>15. <input checked="" type="checkbox"/> Other: NonPublication Request and Certification Request For Declaration of Interference</p>	
<p>6. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:</p> <p><input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input checked="" type="checkbox"/> Continuation-in-part (CIP) of prior application no.: 10/029,875, filed December 31, 2001 (Pending); which is a CIP off of 09/802,619, filed March 8, 2001 (pending)</p> <p>Prior application information: Examiner: Group Art Unit:</p> <p>7. Amend the specification by inserting before the first line the sentence: <input checked="" type="checkbox"/> This application is a <input type="checkbox"/> Continuation <input type="checkbox"/> Division <input checked="" type="checkbox"/> Continuation-in-part (CIP) of application Serial No. 10/029,875 Filed on December 31, 2001 (Pending); which is a CIP off of 09/802,619 filed March 8, 2001 (Pending).</p> <p><input type="checkbox"/> This application claims priority of provisional application Serial No. Filed</p>			
<p><b>18. CORRESPONDENCE ADDRESS</b></p> <p>Supervisor, Patent Prosecution Services PIPER MARBURY RUDNICK &amp; WOLFE LLP 1200 Nineteenth Street, N.W. Washington, D.C. 20036-2412 Telephone No. (202) 861-3900 Facsimile No. (202) 223-2085</p>			

Name	Steven B. Kelber	Registration No.	30,073
Signature		Date	1/22/02
Name		Registration No.	

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IN RE APPLICATION OF: JIM HUNTER, ET AL.

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**NONPUBLICATION REQUEST  
AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

SIR:

It is hereby certified that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at 18 months after filing. It is hereby requested that the attached application not be published under 35 U.S.C. 122(b). Applicant reserves the right to rescind this request pursuant to 35 U.S.C. 122(b)(2)(B)(ii).

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP

1/22/02  
Date

  
\_\_\_\_\_  
Steven B. Kelber  
Registration No. 30,073

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**REQUEST FOR DECLARATION OF INTERFERENCE, 37 C.F.R. §1.607 & 608**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Pursuant to the provisions of the above-captioned Rules, Applicants request a declaration of an interference between the above-captioned patent application and U.S. Patent 6,169,624.

Pursuant to the provisions of Rule 608, Applicants believe they are entitled to a judgment vis-a-vis the '624 patentees, *prima facie*, on the basis of prior invention and correct designation of inventors in the '624 patent, and possibly derivation. Applicants also believe the '624 patent claims, at least claim 23, are invalid for lack of enablement. Upon indication of otherwise allowable subject matter, Applicants will present papers fully complying with Rule 608.

The provisions of Rule 607 are complied with *seriatum*, as follows:

1. The patent with which an interference is requested is U.S. Patent 6,169,624.
2. Applicants advance as a proposed count Claim 23 of the '624 patent, or Claim 1 or Claim 4 of the above-captioned patent application, which are substantially identical.
3. Applicants identify as at least one claim in the patent corresponding to the proposed count, Claim 23.

4. Applicants present Claims 1-10 herein, each of which is believed to correspond to the proposed count.

5. This provision is not applicable.

6. The conditions of 35 U.S.C. §135(b) are met. The '624 patent issued January 2, 2001. The parent application of this application (atty docket 8229-017-27 CIP) was filed less than a year after the issue date of the '624 patent (December 31, 2001) with a claim identical to Claim 23 of the '624 patent and claim 4 of the above-captioned application.

In compliance with the provisions of 37 C.F.R. §1.607(c), Applicants advise that Claim 1 of the above-captioned patent application was substantially copied from Claim 23 of the '624 patent.

Respectfully submitted,

PIPER MARBURY RUDNICK & WOLFE LLP



Steven B. Kelber  
Registration No: 30,073  
Attorney of Record

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# FEE TRANSMITTAL

								Docket No.		8229-018-27 CIP					
								Serial No.		NEW CIP APPLICATION					
								Filing Date		HEREWITH					
								Inventor(s)		JIM HUNTER, ET AL.					
								Group Art Unit		UNASSIGNED					
TOTAL AMOUNT OF PAYMENT				\$870.00		Examiner		UNASSIGNED							
<p>1. <input type="checkbox"/> Applicant claims small entity status.</p> <p>■ Charge any <u>UNDERPAYMENT</u> or credit any <u>OVERPAYMENT</u> in the indicated fees to Deposit Account No. 50-1442.</p> <p><input type="checkbox"/> Charge the indicated fees to Deposit Account No. 50-1442.</p>								FEE CALCULATION (continued)							
								3. ADDITIONAL FEES							
								Large Entity		Small Entity		Fee Description			
2. ■ Check enclosed.								Fee Code	Fee (\$)	Fee Code	Fee (\$)		Fee Paid		
FEE CALCULATION								105	130	205	65	Surcharge-late filing fee or oath	130.00		
1. BASIC FILING FEE								127	50	227	25	Surcharge-late provisional filing fee or cover sheet			
Large Entity		Small Entity		Fee Description				139	130	139	130	Non-English specification			
Fee Code	Fee (\$)	Fee Code	Fee (\$)					Fee Paid	147	2520	147	2520	Ex parte reexam. fee		
101	740	201	370	Utility filing fee				740.00	115	110	215	55	1-mo. ext. of time		
106	330	206	165	Design filing fee					116	400	216	200	2-mo. ext. of time		
107	510	207	255	Plant filing fee					117	920	217	460	3-mo. ext. of time		
108	740	208	370	Reissue filing fee					118	1440	218	720	4-mo. ext. of time		
114	160	214	80	Provisional filing fee					128	1960	228	980	5-mo. ext. of time		
SUBTOTAL (1)								\$740.00	119	320	219	160	Notice of Appeal		
2. EXTRA CLAIM FEES								120	320	220	160	Appeal Brief			
tot. claims	7	-	20*	=	0	x	\$18	=	0	121	280	221	140	Request for Oral Hearing	
ind. claims	2	-	3*	=	0	x	\$84	=	0	142	1280	242	640	Utility/Reissue Issue Fee	
<input type="checkbox"/> Multiple Dependent Claims								\$280	=	143	460	243	230	Design Issue Fee	
Large Entity		Small Entity		Fee Description				144	620	244	310	Plant Issue Fee			
Fee Code	Fee (\$)	Fee Code	Fee (\$)					122	130	122	130	Petitions to the Commissioner			
103	18	203	9	Claims in excess of 20				126	180	126	180	IDS Submission			
102	84	202	42	Independent claims in excess of 3				581	40	581	40	Assignment			
104	280	204	140	Multiple dependent claim, if not paid				179	740	279	370	For Filing RCE			
109	84	209	42	*Reissue independent claims over original patent				169	900	169	900	Expedited Design			
110	18	210	9	*Reissue claims in excess of 20 and over original patent				OTHER (indicate below):							
SUBTOTAL (2)								\$0.00							
* or number previously paid, if greater; For Reissues, see above								SUBTOTAL (3)				\$130.00			

Name	Steven B. Kelber			Registration No.		30,073		
Signature				Date	1/22/02		Telephone	202-861-3900
Name				Registration No.				